

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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RUTH SINNI,

Plaintiff,

-against-

FOREST HILLS HOSPITAL, et al.

Defendants.
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**MEMORANDUM
AND ORDER**

09-CV-4572 (SLT)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is a dispute between the parties as to whether a few documents identified by defendants Forest Hills Hospital et al. (“defendants”) on their privilege log are exempt from disclosure. These documents consist of minutes of a staff meeting on August 17, 2005 (“Item Number 10”), four pages of excerpts from the personnel file of defendant Geeta Nandallal (“Item Number 11”), and patient medical records contained in the personnel file of plaintiff Ruth Sinni (“Patient Medical Records”). In response to a prior judicial order, defendants submitted the disputed documents to the Court, which has conducted an *in camera* inspection of them. Based on its review of the documents, the Court denies plaintiff’s request for production of the documents.

As a preliminary matter, the Court notes that during a telephonic conference with the Court on December 17, 2010, plaintiff’s counsel disclaimed any desire for the Patient Medical Records, explaining that plaintiff was interested in documents regarding hospital staffing issues. Therefore, plaintiff has waived any claim to disclosure of the Patient Medical Records which, in any event, contain sensitive health information regarding non-parties and are irrelevant to the staffing and discrimination issues before the Court.

In connection with defendants' inclusion of Items Number 10 and 11 on their privilege log, the parties dispute whether the documents at issue are exempt from disclosure under New York Public Health Law § 2805-j (McKinney 2007), 10 N.Y.C.R.R. § 405.6, and New York Education Law § 6527(3) (McKinney 2010), as documents prepared in connection with quality assurance and medical malpractice prevention programs. Compare Letter to the Court from Ralph A. Somma (Jan. 3, 2011), ECF Docket Entry ("DE") #39, with (Sealed) Letter to the Court from Lauren M. Levine (Jan. 7, 2011), DE #41. The Court need not resolve the legal issues dividing the parties. Having reviewed the documents *in camera*, the Court concludes that they bear no relation to plaintiff's claims of unsafe staffing or discrimination.¹ For that reason, plaintiff's request for a compulsion order is denied.

SO ORDERED.

**Dated: Brooklyn, New York
January 10, 2011**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

¹ One document consists of a warning for failing to report an unanticipated event in a timely fashion; no issue of unsafe staffing is presented.